

Ex. 38



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUN 19 2014

CERTIFIED MAIL 7009 1680 0000 7648 4831 DELIV TO THE ATTENTION OF: VW-16J
RETURN RECEIPT REQUESTED

Brian Schaper, Registered Agent
All American RV Resorts I, LLC
2042 Broadway
Fort Wayne, Indiana 46802

Subject: U.S. EPA Comments on September 27 & 30, 2013, Responses To The United States Environmental Protection Agency for Blue Lake Campground

Dear Mr. Schaper:

The U. S Environmental Protection Agency (EPA) has reviewed your September 30, 2013, letter and J.D. Bishop Engineering & Development's September 27, 2013, responses to our March 13, 2013, Administrative Compliance Order (Order), our August 15, 2013, comment letter and your responses to our September 4, 2013, Request for Information. In addition, Mr. Marty Maupin, the Indiana Department of Environmental Management's (IDEM) technical contact on this matter, conducted a site visit with you and Mr. Bishop in mid April 2014. Based on a review of the submitted materials and Mr. Maupin's April 2014 on-site findings, and further refined and corroborated by EPA with April 1998 and March 2002 aerial photographs, EPA is prepared to accept, for settlement purposes, a reduction in the amount of trailer fill in the 'Four Trailer Area' as illustrated by enclosure 1. Consequently, the Order's paragraph 14 findings on the total fill amount are reduced by 6,465 square feet for a revised total wetland fill amount of 41,435 square feet (47,900 - 6,465) or approximately 0.95 acres.

Accordingly, the Order continues to require wetland restoration in two areas:

1. An estimated 9,102 square feet of fill associated with the northernmost two trailer lots and associated access/parking fill. There remains 2,587 square feet of fill in this immediate area that we assume you would prefer to 'square off' to allow the second trailer lot to remain. If you choose this route, you are required to seek an after-the-fact permit for the 2,587 square feet of fill remaining in a forested wetland (see enclosure 2); and
2. An estimated 14,121 square feet of wetland restoration north, east and south of the existing central thumb shaped/vegetated wetland (north of the gazebo road and west of the 'western road' - see enclosure 3). There remains 15,625 square feet of fill, including parts of the 'gazebo road', the 'western road' and the back end of trailers along the 'north road' you are required to seek an after-the-fact permit for. The 15,625 square feet of fill occurred within shrub scrub and emergent wetlands.

cc: Peter Felitti, C-14J
Scott Matthews, U.S. Army Corps of Engineers, 8902 Otis Ave. (Suite S106B),
Indianapolis, IN 46216
Marty Maupin, IDEM, 100 N. Senate Ave., MC65-42 WQS IGCN 1255,
Indianapolis, IN 46204
Joseph D. Bishop, PE, Bishop Engineering & Development, 268 S. Briant St.,
Huntington, IN 46750



Google Earth Pro

feet 1000
meters 300



Encl. 1



Google Earth Pro

feet 1000
meters 300



Encl. 2



Google Earth Pro

feet 1000
meters 300



Encl. 3

SENDER: COMPLETE THIS SECTION

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1. Article Addressed to:

Brain Schaper, Registered Agent
All American RV Resorts I, LLC
2042 Broadway
Fort Wayne, Indiana 46802

2. Article Number

(Transfer from service label)

7009 1680 0000 7648 4831

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Amadei Fosmeyer

☐ Agent

☐ Addressee

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Amadei Fosmeyer

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6/33/14

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